



Winston H. Hickox
*Secretary for
Environmental
Protection*

State Water Resources Control Board

Division of Water Rights
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Gray Davis
Governor

NOTICE OF APPLICATIONS TO APPROPRIATE WATER BY PERMIT

APPLICATIONS: 31059 and 31060

DATE FILED: June 5, 2000

Notice is hereby given that Linholme Properties, Ltd. has filed two applications for water right permits for diversion of water from two unnamed streams tributary to Mill Creek tributary to Forsythe Creek thence the Russian River in Mendocino County. The State Water Resources Control Board (SWRCB) will determine whether water right permits should be issued for the applications and, if so, whether conditions are needed in the permits to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed projects and also describes the procedure and time frame for submittal of protests against the applications. This notice may be viewed at the Division of Water Rights' website at www.waterrights.ca.gov. Any correspondence directed to the applicant should be mailed to:

Linholme Properties, Ltd.
c/o Wagner and Bonsignore
444 North Third Street, Suite 325
Sacramento, CA 95814-0228

Description of Projects

In accordance with California Code of Regulations section 689, the applicant has submitted separate applications for their vineyard operation. Application 31059 is for direct diversion for frost protection purposes and Application 31060 is for the storage of water for irrigation, frost protection, and heat control purposes. The project is located approximately five miles northwest from Redwood Valley.

Application 31059 seeks to continue to divert 2.04 cubic feet per second (cfs) not to exceed 61 acre-feet annually (afa) for frost protection purposes by releasing water from the reservoir described under A031060 through a 14-inch diameter low-level outlet pipe in the bottom of the dam. A diesel engine driven pump is used to convey pressurized flow through a 4-inch diameter PVC mainline pipelines to the existing places of use.

Application 31060 seeks a right to store water behind an existing (constructed in 1998) 24-foot-high, 325-foot-long dam, forming a 14.9 acre-feet (af) capacity onstream reservoir with a surface area of 1.5 acres. The applicant proposes to refill the reservoir for frost protection; therefore the total amount to be stored during any one year shall not exceed 30 af. The primary purposes of use are irrigation, frost protection and heat control of 50 acres of vineyards.

The combined total amount of water taken under Application 31059 and 31060 shall not exceed 91 afa.

Summary of Applications 31059 and 31060

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"

County: Mendocino.
 Source: Two unnamed streams tributary to Mill Creek tributary to Forsythe Creek thence the Russian River.
 Point of
 Diversion: Both applications are located within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 33, T17N, R13W, MDB&M.

Application 31059

Amount: 2.04 cubic feet per second of direct diversion, not to exceed a total of 61 acre-feet per year.
 Season: March 15 through May 15 for direct diversion.
 Purposes: Frost Protection.
 Place of Use: Refer to Application 31060 listed below.

Application 31060

Amount: 30 acre-feet per year of storage.
 Season: November 1 through June 15 for storage.
 Purposes: Irrigation, Frost Protection, and Heat Control.

Place of Use: Both applications cover the same place of use as follows.

Use Within	Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	28	17N	13W	MD	2	N
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	32	17N	13W	MD	10	N
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	32	17N	13W	MD	3	N
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	33	17N	13W	MD	16	Partial
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	33	17N	13W	MD	8	N
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	33	17N	13W	MD	4	Y
SE $\frac{1}{4}$ of NW $\frac{1}{4}$	33	17N	13W	MD	7	Y
TOTAL					50	

Environmental Information

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the project may cause a significant effect on the environment, please send this information to Steven Herrera, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the SWRCB's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at www.waterrights.ca.gov/forms/ or upon request from the Division of Water Rights. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed

protest form should be directed to the engineer listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

Protest Submittal Deadline

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the **40th** day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14th Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division of Water Rights in order for the protest to be accepted. The SWRCB will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The applicant will have 30 days to respond to a protest once it is accepted by the Division of Water Rights. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

These projects are "minor" projects (the proposed diversion is 3 cubic feet per second or less by direct diversion or 200 acre-feet or less per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the Chief, Division of Water Rights, following a field investigation.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms or general information pamphlets, please contact Patricia Meroney by phone at (916) 341-5354 or by electronic mail at pmeroney@waterrights.swrcb.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: **June 6, 2003**